

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WESLEY COOPER,

Plaintiff,

v.

COUNTRYWIDE HOME LOANS, INC.,

Defendant.

Case No. 14-cv-14137

Honorable Laurie J. Michelson

Magistrate Judge Michael J. Hluchaniuk

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**ORDER DENYING PLAINTIFF’S EMERGENCY MOTION FOR DISCOVERY [11]**

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Pro se Plaintiff Wesley Cooper filed an Emergency Motion for Discovery on December 24, 2014. (Dkt. 11.) Defendant Countrywide Home Loans, Inc.’s Motion to Dismiss the Amended Complaint under Rule 12(b)(6) is currently pending. (Dkt. 3; *see* Dkt. 10.) A Rule 12(b)(6) motion asks the Court to decide whether the plaintiff has a claim to relief if all the allegations of the Complaint are assumed to be true. In deciding a 12(b)(6) motion, the court must “accept all well-pleaded factual allegations as true and construe the complaint in the light most favorable to plaintiffs.” *Bennet v. MIS Corp.*, 607 F.3d 1076, 1091 (6th Cir. 2010). In general, “a district court may not consider matters beyond the complaint” when analyzing a motion to dismiss. *Winget v. Morgan Chase Bank, N.A.*, 537 F.3d 565, 575 (6th Cir. 2008). Therefore, no discovery is needed for a motion to dismiss under Rule 12(b)(6). *See Gettings v. Building Laborers Local 310 Fringe Benefits Fund*, 349 F.3d 300, 304 (6th Cir. 2003) (“Limitations on pretrial discovery are appropriate where claims may be dismissed ‘based on legal determinations that could not have been altered by any further discovery.’” (quoting *Muzquiz v. W.A. Foote Memorial Hosp., Inc.*, 70 F.3d 422, 430 (6th Cir. 1995))). The Court sees no need for discovery

at this point in the litigation. Therefore, Plaintiff's Emergency Motion for Discovery (Dkt. 11) is DENIED.

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
UNITED STATES DISTRICT JUDGE

Dated: December 30, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on December 30, 2014.

s/Jennifer McCoy  
Case Manager